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In re Application of
RITTER et al.
Application No.: 10/069,879
PCT No.: PCT/EP00/00536
Int. Filing Date: 25 January 2000
Priority Date: 25 January 1999
Attorney Docket No.: ICC-192/PCT/US
For: PROCESS FOR ATTACHING THE OIL SUMP
TO AN ENGINE BLOCK OF AN INTERNAL
COMBUSTION VEHICLE

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: DECISION ON
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: PETITION UNDER
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: 37 CFR 1.137(b)
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This decision is in response to the "RESPONSE TO DECISION ON PETITION UNDER 37 C.F.R. 1.137(b)" submitted by applicants on 25 July 2002.

BACKGROUND

On 25 January 2000, applicants filed international application PCT/EP00/00536, which claimed a priority date of 25 January 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 27 July 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 11 August 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 25 July 2001.

On 01 March 2002, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, an authorization to charge the U.S. Basic National Fee to Deposit Account No. 12-2135, an English translation of the international application, and a declaration of the inventors.

On 01 March 2002, applicants also filed a "PETITION FOR REVIVAL OF APPLICATION ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)".

On 08 July 2002, the USPTO mailed a decision dismissing applicants' petition under 37 CFR 1.137(b) because the required reply (the U.S. basic national fee) and the petition fee had not been paid. Specifically, it was noted that the authorization to charge the U.S. Basic National Fee and the authorization to charge the petition fee were not effective as payment because Deposit

Account No. 12-2135 had insufficient funds to cover this fee at the time the payment was attempted to be processed (07 March 2002).

On 25 July 2002, applicant filed the instant "RESPONSE TO DECISION ON PETITION UNDER 37 C.F.R. 1.137(b)".

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the U.S. basic national fee was paid on 25 July 2002. Applicant's response filed 25 July 2002 is construed as a renewed authorization to charge Deposit Account No. 12-2135 for the U.S. basis national fee. *If this interpretation is incorrect, applicant must notify the Office of PCT Legal Affairs immediately.*

As to item (2), the petition fee was paid on 25 July 2002. Applicant's response filed 25 July 2002 is construed as a renewed authorization to charge Deposit Account No. 12-2135 for the petition fee. *If this interpretation is incorrect, applicant must notify the Office of PCT Legal Affairs immediately.*

With regard to item (3), applicant has provided the required statement.

The declaration filed 01 March 2002 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(e) of \$130 for filing the declaration later than thirty months from the priority date and the processing fee under 37 CFR 1.492(f) for filing an English translation later than thirty months from the priority date have been charged to Deposit Account 12-2135.


CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office

of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. 371(c) date of 25 July 2002.



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